

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
MARTIN H. NOVILLO
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Martin_Novillo@fd.org

6 Attorney for Kadey Francis Higinio
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 v.
14

15 KADEY FRANCIS HIGINIO,
16

17 DEFENDANT.
18

Case No. 2:24-mj-01002-MDC
ORDER GRANTING
**STIPULATION TO CONTINUE
MOTION DEADLINES AND BENCH
TRIAL**
(Third Request)

19 IT IS HEREBY STIPULATED AND AGREED, by and between Sigal Chattah, United
20 States Attorney, and Skyler Pearson, Assistant United States Attorney, counsel for the United
21 States of America, and Rene L. Valladares, Federal Public Defender, and Martin H. Novillo,
22 Assistant Federal Public Defender, counsel for Kadey Francis Higinio, that the bench trial
23 scheduled for September 24, 2025 at 9:00 am., be vacated and set to a date and time convenient
24 to this Court, but no sooner than ten (10) days.

25 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
26 and including June 6, 2025, to file any and all pretrial motions and notices of defense.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including June 20, 2025, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
4 shall have to and including June 27, 2025, to file any and all replies to dispositive motions.

5 The Stipulation is entered into for the following reasons:

6 1. On or about May 9, 2025, counsel for Mr. Higinio received the bulk of discovery
7 in this case, which includes eleven video recordings. Counsel is in the process of reviewing the
8 materials and assessing whether any pre-trial motions are warranted.

9 2. The defendant is out of custody and does not object to the continuance.

10 3. The parties agree to the continuance.

11 4. The additional time requested herein is not sought for purposes of delay, but
12 merely to allow counsel for defendant sufficient time to review discovery materials he recently
13 received.

14 5. Additionally, denial of this request for continuance could result in a miscarriage
15 of justice. The additional time requested by this Stipulation is excludable in computing the time
16 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
17 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
18 Section 3161(h)(7)(B)(i), (iv).

19 This is the third stipulation to continue filed herein.

20 DATED this 28th day of May, 2025

21 RENE L. VALLADARES
22 Federal Public Defender

23 By /s/ Martin H. Novillo

24 MARTIN H. NOVILLO
Assistant Federal Public Defender

SIGAH CHATTAH
United States Attorney

By /s/ Skyler Pearson

SKYLER PEARSON
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

v.

KADEY FRANCIS HIGINIO,
Defendant.

Case No. 2:24-mj-01002-MDC

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On or about May 9, 2025, counsel for Mr. Higinio received the bulk of discovery in this case, which includes eleven video recordings. Counsel is in the process of reviewing the materials and assessing whether any pre-trial motions are warranted.

2. The defendant is out of custody and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time to review discovery materials he recently received.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including June 6, 2025 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including June 20, 2025 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including June 27, 2025 to file any and all replies.

IT IS FURTHER ORDERED that the bench trial currently scheduled for September 24, 2025, at the hour of 9:00 a.m., be vacated and continued to October 29, 2025 at the hour 9:00 am in LV Courtroom 3A.

DATED this 30th day of May, 2025.


UNITED STATES MAGISTRATE JUDGE